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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/582,591

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02/18/2010

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EXAMINER

NGUYEN, JIMMY T

ART UNIT

PAPER NUMBER

3725

MAIL DATE

DELIVERY MODE

02/18/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/582,591	Applicant(s) KARLSSON ET AL.	
	Examiner JIMMY T. NGUYEN	Art Unit 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-24 is/are pending in the application.
- 4a) Of the above claim(s) 24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/9/06 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/9/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Group I (claims 13-23) in the reply filed on October 14, 2009 is acknowledged. The traversal is on the ground(s) that it would work no hardship on the Examiner to examine claim 24 with the elected apparatus claims. This is not found persuasive because the method of Group II does not require the type of press apparatus having two moveable clamping surfaces as noted in Group I, and the work surfaces in a press apparatus as claimed in Group II can be columns of the press, which is deformed during pressing operation. Additionally, the method as claimed in Group II can be done by hand. Because the features of these inventions are different are therefore patentably distinct. Accordingly, the required searches differ, thus the serious burden and hardship on the Examiner has been established.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In lines 2-3, there is no antecedent basis for the limitation, "the material" in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Musse (US 6,752,901) in view of Lee et al. (hereinafter “Lee”) (US 6,314,873). Musse discloses a pressing apparatus comprising: an upper clamping surface (16) and a lower clamping surface (17) intended for a tool (15). A first part and a second part of the tool having first and second abutment surfaces (see fig. 1) for abutment (indirectly) against the first and second clamping surfaces (fig. 1), and a power unit (1) disposed, at least in a contact region between one of the clamping surfaces and an abutment surfaces (fig. 1). The power unit, on activation, being disposed to press away from the clamping surface located in the contact region and at least a part of the abutment surface on the tool being located there (figs. 1-4). The part of the abutment surface which is affected by the power unit is spaced from an outer contour of the abutment surface (fig. 1). The power unit is of flat configuration (fig. 2), the power unit (10) is depressed in the one clamping surface (figs. 2-6). The power unit includes an upper plate (2) and a lower plate (3) which are enclosed by a frame section (4, 15, 16) extending along sides of the plates (figs. 1, 2 and 6). The frame section is provided with a groove (see the middle portion of ref. number 15 in fig. 6), a thickness of the frame section (4) on each side of the groove is less than a thickness of each respective plate (fig. 2). The upper plate is provided with a vertical through-going hole (fig. 2). An underside of the upper plate is provided with grooves

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(note that the Examiner defines the spaces between the inverted T-shaped are the grooves as claimed) which are in communication with the vertical hole (fig. 2). Musse discloses the clamping surface (16) is movable and the lower clamping surface (17) is fixed.

However, the patent to Lee can be applied to teach a press having movable upper and lower clamping surfaces (166a and 166b) for pressing a sheet-like material (i.e. web (101)). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have also provided the lower clamping surface of Musse in a movable manner, as taught by Lee, since such pressing structure (i.e. movable upper and lower clamping surfaces) is old and well known in the sheet pressing art, and such movement of both of the upper and lower clamping surfaces would improve the pressing of the material.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art listed on the attached PTO 892 are cited to show relevant die cushion assembly.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JIMMY T. NGUYEN whose telephone number is (571)272-4520. The examiner can normally be reached on Monday-Thursday 7:30am-5:00pm with alternating Fri. 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dana Ross can be reached on (571) 272- 4480. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JTNguyen
February 11, 2010

/Jimmy T Nguyen/
Primary Examiner, Art Unit 3725